

*FORM PTO-1396
(REV 11-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

NB 2006.01

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/048,033

INTERNATIONAL APPLICATION
NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US00/20007

21 July 2000

22 July 1999

TITLE OF INVENTION

METHODS FOR TREATING THERAPY-RESISTANT TUMORS

APPLICANT(S) FOR DO/EO/US

H. Michael SHEPARD

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

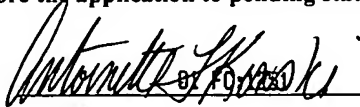
Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: copy of Notification of missing requirements under 35 U.S.C. 371; Supplemental Communication and Return receipt postcard.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail Label No.: EV 155 463 235 US under 37 C.F.R. § 1.10 on November 27, 2002 and is addressed to: Commissioner for Patents, Box PCT, Attn. RO/US, Washington, D.C. 20231.


 Oscar Guillen

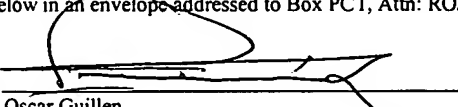
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/048,034		INTERNATIONAL APPLICATION NO. PCT/US00/19844		ATTORNEY'S DOCKET NUMBER: NB 2006.00	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$1,040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4).....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$18.00	\$	
Independent claims	- 3 =	0	x \$84.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$65.00	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	
12/05/2002 SNAJARRO 00000006 501189 10048033 01 FC:2617 65.00 CH				Amount to be refunded: charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-1189 (our ref. 23896-7132) in the amount of \$65.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1189 (our ref. 23896-7132). A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Antoinette F. Konski Bingham McCutchen LLP Formerly McCutchen Doyle Brown & Enersen LLP Three Embarcadero Center, 18 th Floor San Francisco, California 94111-4067 Telephone: (650) 849-4950 Facsimile: (650) 849-4800					
 SIGNATURE				110.00 CH	
Antoinette F. Konski Registration No. 34,202					

NB 2006.01

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.10, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as Express Mail Label Number EV 155 463 235 US on the date indicated below in an envelope addressed to Box PCT, Attn: RO/US, Commissioner for Patents, Washington D.C. 20231.

Dated: November 27, 2002

Name of Person Certifying: 

Printed Name:

Oscar Guillen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

H. Michael SHEPARD

U.S. Appl. No.: 10/048,033

Intl.Filing Date: July 21, 2000

For: METHODS FOR TREATING THERAPY-
RESISTANT TUMORS

Examiner: Unassigned

Group Art Unit: Unassigned

Box PCT
Attn: RO/US
Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL COMMUNICATION

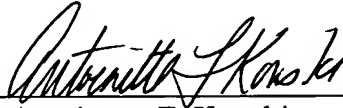
Sir:

On September 26, 2002, a Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) was issued in connection with the above-identified application. Applicant was given a period of two months to respond, make a response due on or before November 26, 2002. On November 26, 2002 a reply was filed to the Notice, but inadvertently, a copy of the oath was submitted to the Office. Enclosed herewith is the originally executed oath and transmittal papers.

If an extension of time is considered necessary, Applicant authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1189, referencing billing number 23896-7132.

Respectfully submitted,

Date: Nov. 27, 2002

By: 
Antoinette F. Konski
Registration No.: 34,202

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Atty. Dkt No.: NB 2006.01
Int. Appl. No.: PCT/US00/20007
U.S. Appl. No. 10/048,033